

REMARKS

Claims 1, 2, 4, 8, 9, and 10 are pending in the application and have been amended hereby. Claims 3, 5, and 8 have been cancelled, without prejudice or disclaimer. Claims 1, 4, and 10 are in independent form. Favorable reconsideration is requested.

Claim 5 has been cancelled as being duplicate of Claim 4, and Claim 9 has been amended to depend from Claim 4. Accordingly, withdrawal of the objections to the claims is requested.

Reconsideration is respectfully requested of the rejection of Claims 4, 5, and 7-9 under 35 U.S.C. §101, as being directed to non-statutory subject matter.

Claim 5 has been cancelled, thereby rendering the rejection thereof moot.

Independent Claim 4 has been amended, in part, to recite “a reservation path optimization system for optimizing a reservation path between specified nodes configuring a label switching network, and including a plurality of modules stored in a computer-readable medium.”

Accordingly, it is respectfully submitted that amended independent Claim 4, and the claims depending therefrom, recite statutory subject matter, and meet all requirements of 35 U.S.C. §101.

Reconsideration is respectfully requested of the rejection of Claim 2 under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 2 has been amended in part to delete the recitation “tends to.”

Accordingly, it is respectfully submitted that amended Claim 2 is clear and definite in its recitation of the present invention, and meets all requirements of 35 U.S.C. §112.

Reconsideration is respectfully requested of the rejection of Claims 1-5 and 7-10 under 35 U.S.C. §103(a), as being obvious over U.S. Patent No. 6,956,821 (“Szviatovski”) in view of “Processing Overhead Studies in Resource Reservation Protocols” (“Pan”).

Claims 3, 5, and 8 have been cancelled, thereby rendering the rejection thereof moot.

Independent claims 1, 4 and 10 have been amended to recite “fluctuating a period of the periodical re-allocation of each path employed by each of the reserved sessions so as to be shorter as the sum of reservation request failure counts of all links becomes larger.”

The Office action cites page 5, par. 2, page 8, table 1 of Pan for the aforementioned features. The cited portions of Pan might teach the retry interval of the reservation request.

However, it is respectfully submitted that “fluctuating a period of the periodical re-allocation of each path employed by each of the reserved sessions” recited in amended independent Claims 1, 4, and 10, differs from the retry interval of the reservation request of Pan, and is not taught or suggested by Szviatovszki or Pan, alone or in combination.

Accordingly, it is respectfully submitted that amended independent Claims 1, 4, and 10, and the claims depending therefrom, are patentably distinct over Szviatovszki in view of Pan.

In view of the remarks and amendments set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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